

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

In re:	§	
	§	
THERMA-FLITE, INC.	§	Case No.: 16-33469
THERMA-FLITE MANUFACTURING, LLC	§	Case No.: 16-33470
THERMA-FLITE TX, INC.	§	Case No.: 16-33471
THERMA-FLITE INDUSTRIAL, INC.	§	Case No.: 16-33473
THERMA-FLITE HOLDINGS, INC.	§	Case No.: 16-33474
	§	
Debtors.	§	(Chapter 7 Cases)

TRUSTEE'S EMERGENCY MOTION FOR CONTINUANCE

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY-ONE (21) DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE LESS THAN 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NO WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

RELIEF IS REQUESTED BY JANUARY 31, 2017.

Janet S. Northrup, chapter 7 trustee (the “Trustee”) of the bankruptcy estate of Therma-Flite, Inc., files this *Emergency Motion for Continuance*, and respectfully represents as follows:

Factual and Procedural History

1. On July 8, 2016, each of the above-named debtors filed voluntary petitions under chapter 7 of the Bankruptcy Code. On October 21, 2016, CFC, Inc. (“CFC”) filed a *Motion for Substantive Consolidation* in each case (docket no. 87 case no. 16-33469; the “Motion for Substantive Consolidation”). An objection was filed by Eva Englehart, chapter 7 trustee of the bankruptcy estate of Therma-Flite Manufacturing, LLC (docket no. 77 in case no. 16-33470). On January 6, 2017, an *Order Granting CFC, Inc.’s Motion for Substantive Consolidation* was entered, consolidating the above-named cases (docket no. 97 in case no. 16-33469).

2. On January 20, 2017, Ms. Englehart filed a *Motion to Reconsider and Vacate Order of Substantive Consolidation* (docket no. 85 in case no. 16-33470). On January 27, 2017, the court granted Ms. Englehart’s motion, vacated the Order for substantive consolidation, and set a hearing on the Motion for Substantive Consolidation for February 3, 2017 (docket no. 100 in case no. 16-33469).

3. Rhonda R. Chandler, counsel for the Trustee, has pre-paid vacation plans and will be out of state from February 2 – 6, 2017. Similarly, the Trustee has plans to be out of town on February 3, 2017. As consolidation is a key issue in the future administration of these cases, the Trustee believes she and her counsel should be present for the hearing. Counsel for Ms. Englehart has also requested that the Trustee be present.

4. The Trustee is available at the court’s convenience the week of February 6, 2017, except that she has another hearing scheduled for 10:00 a.m. on February 7 and has her Section 341 panels on February 9. Ms. Chandler is available at the court’s convenience that week, except February 6, 2017.

Requested Relief

5. For the reasons noted above, the Trustee requests that the hearing on CFC's Motion for Substantive Consolidation be rescheduled at the court's convenience for a date on or after February 7, 2017.

Request and Grounds for Emergency Consideration

6. The hearing on CFC's Motion for Substantive Consolidation is scheduled for 11:00 a.m. on February 3, 2017. Therefore, the Trustee requests court approval of this Motion for Continuance no later than January 31, 2017.

7. Pursuant to Local Rule 9013-1(i), the undersigned hereby certifies that this Motion for Continuance is accurate to the best of her knowledge after diligent inquiry.

WHEREFORE, the Trustee respectfully requests that the court enter an Order as requested above; and grant such other and further relief to which the Trustee may be entitled, either at law or in equity.

Dated: January 27, 2017.

Respectfully submitted,

HUGHES WATTERS ASKANASE, LLP

/s/ Rhonda R. Chandler
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Fax: 713-759-6834
ATTORNEY FOR JANET S. NORTHRUP,
CHAPTER 7 TRUSTEE

CERTIFICATE OF CONFERENCE

I hereby certify that on January 27, 2017, I left a voice mail message for and sent an email to Jonathan Howell, counsel for CFC, Inc. As of the filing of this Motion for Continuance, I have not received a response. I also certify that on January 27, 2017, I spoke with Johnie Patterson, counsel for Eva Englehart. Ms. Englehart does not oppose this Motion for Continuance.

/s/ Rhonda R. Chandler
Rhonda R. Chandler

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2017, a true and correct copy of the foregoing *Trustee's Emergency Motion for Continuance* was served on the parties shown on the attached service list via the court's CM/ECF notice system and/or first class regular mail, postage prepaid.

/s/ Rhonda R. Chandler
Rhonda R. Chandler

CONSOLIDATED SERVICE LIST

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***undeliverable, unable to forward**